

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THOMAS E. WHATLEY, III, §
§
Plaintiff, §
§
V. § CASE NO. 4:11-CV-488
§ Judge Clark/Judge Mazzant
AHF FINANCIAL SERVICES, LLC, §
ALPHINE H. FREEMAN III, and §
X-RAY ASSOCIATES OF NEW §
MEXICO, P.C., §
§
Defendants. §

**ORDER PARTIALLY ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 17, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant X-Ray Associates of New Mexico, PC's Motion for Summary Judgment [Doc. #49] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed to this portion of the report and recommendation, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that that Defendant X-Ray Associates of New Mexico, PC's Motion for Summary Judgment [Doc. #49] is GRANTED. Defendant X-Ray Associates of New

Mexico, PC is dismissed from this litigation, since the court has dismissed all claims against this Defendant.

So **ORDERED** and **SIGNED** on February 17, 2013.



Ron Clark
United States District Judge